



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Robert P. Bishop                      Examiner: H.M. Dreidame  
Serial No: 10/821,697                      Art Unit: 3635  
Filed: April 9, 2004                      Confirm: 1539  
For: REMOVABLE TIE-DOWN CLIP AND METHOD OF MAKING SAME

**FURTHER RULE 132 DECLARATION OF ROBERT P. BISHOP**

Robert P. Bishop of Pembroke, Massachusetts, sole inventor/applicant of the above identified patent application, does declare as follows:

1. I am the inventor/applicant for the above-identified case. I provided a Rule 132 Declaration of September 30, 2007 in this application which I now reaffirm. That declaration included my CV, my narrative of making the invention described and claimed in the application, benefits of the invention, its success in meeting long felt need, its unique commercial success in an old and crowded hardware field. It also included a claim chart showing non-anticipation.
2. In response to the latest U.S. Patent & Trademark Office action of December 20, 2007 I provide this further declaration, substantially without repeating the prior declaration, to show:
  - (a) Pictures of my invention in use;
  - (b) Real world embodiments and usage of the product described in the principal reference of this application's prosecution - Place (USP 2,096,648 issued in 1937) demonstrating what those skilled in the art would gain and did gain from the disclosure of Place; and
  - (c) Giving specific instances of the consumer response to my invention; and
  - (d) A DVD showing in motion the implementation and sales presentation of my invention.
- (a) Picture
3. Exhibit A hereto shows data sheets that I used at a national hardware show in 2004 (material at par. 3 of my earlier declaration). These comprise a "Deck-Tiedown™ " data sheet (2

pp.) and "Installation of Deck-Tiedown" visualization of use of my invention. Also shown is a subsequent data sheet of my licensee, Hillman Co. Inc. of Cincinnati.

(b) Place Reference

4. Exhibit B hereto "Typical Application of Place's Clip" shows what I found after intense investigation into auto body repair tools (the target of Place's patent) shows distinct differences of the Place products in their construction and showing how those skilled in the art would and indeed do understand the Place invention of the 1930s. The samples of Place Clips shown span several years of origin. All are formed with the head designed for insertion into a slot or gap where the clips of my invention is designed to pass through a gap in one orientation and rotate so that the head cannot pass through the gap and remain outside it. In Place the head and/or feet are designed to pass through a gap in one orientation and not be rotated or held and in Place's patent and in real life are so used.

(c) Specific instances of the consumer response to my invention

5. Exhibit C shows exemplary letters and emails from satisfied customers and potential customers (all the emails/potential customers did buy the product eventually). Two of the letters show photos of usage. All show response to a long felt need 70 years after publication of Place's patent and long after many other artifacts were published or tried.

(d) DVD

6. Exhibit D shows my presentation from a booth at the 2004 hardware show and in a later QVC broadcast.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: MARCH 6, 2008

By: Robert P. Bishop  
ROBERT P. BISHOP

Attachments: Exhibits A, B, C and D described above

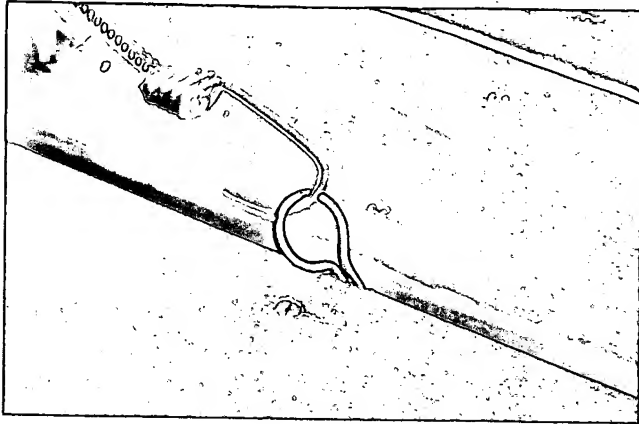
J:\Docs\31141\00101\01221453.DOC

Exhibit A

**NEW**

# DECK-TIEDOWN™

PATENT PENDING



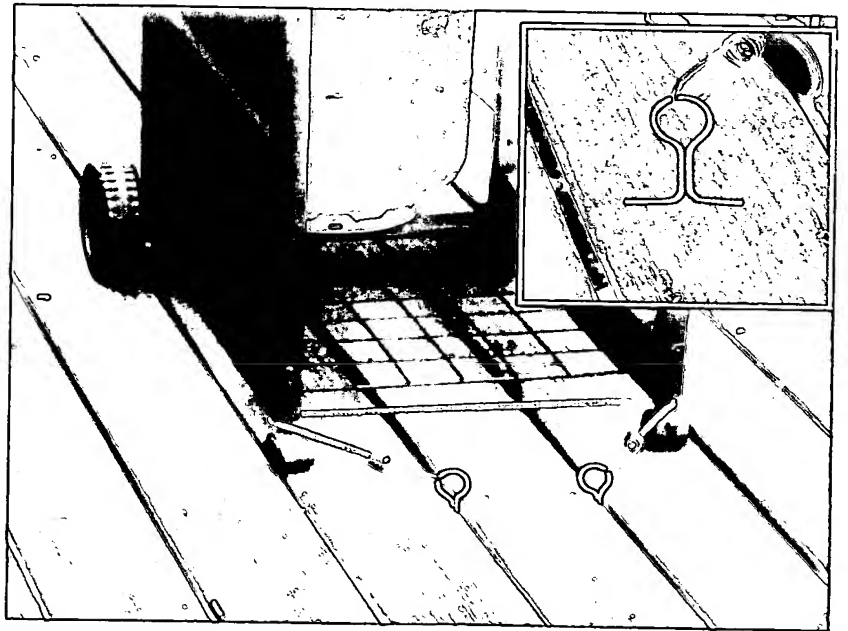
- Stainless Steel
- No Tools Needed
- Removable
- Reusable
- No Damage To Deck

*Never lose your grill or patio furniture to the wind again!*

Secure Items To:

- Outdoor Decks
- Docks
- Picnic Tables
- Trailer Beds

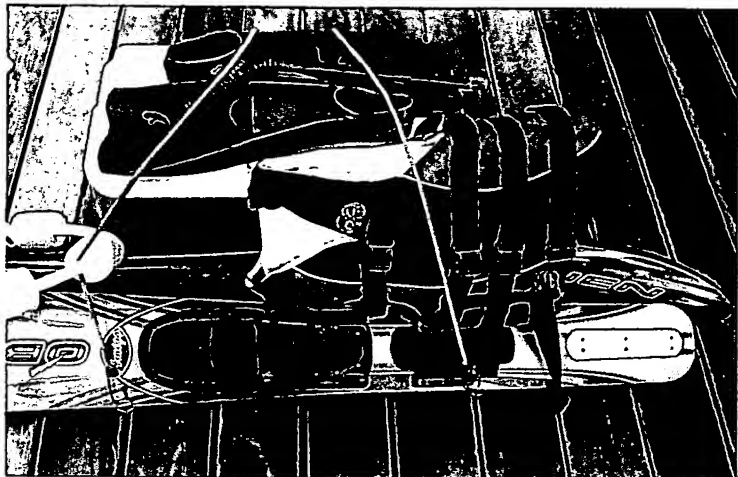
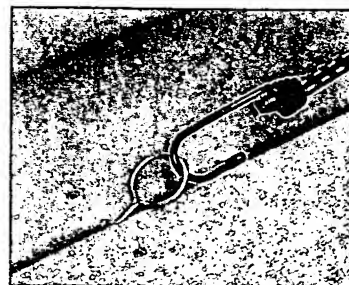
*With bungee cords,  
ropes, or straps*



**NEW**

# **DECK-TIEDOWN™**

**PATENT PENDING**



## **ON DOCKS:**

- Canoes
- Watersports
- Safety equipment
- Deck Furniture
- Fishing Equipment

## **ON DECKS:**

- Pool Toys
- Safety Equipment
- Swimming Pool Covers



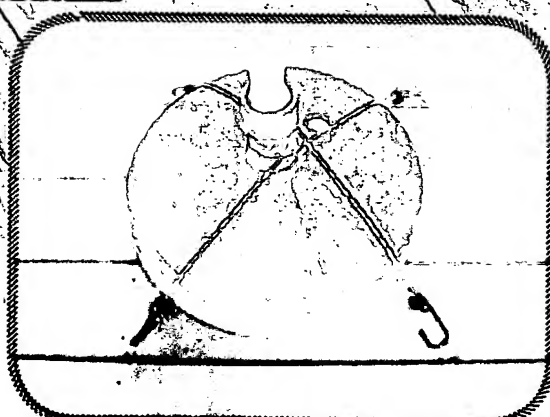
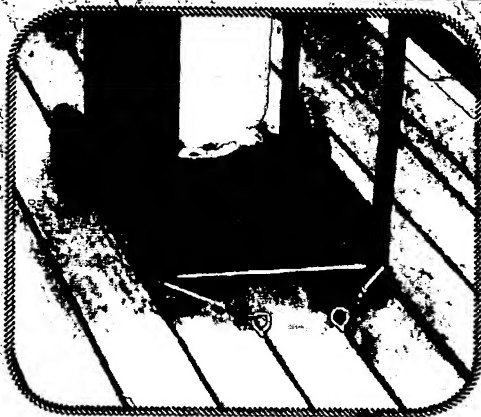
## **ON DECKS:**

- Grills
- Screenhouses
- Patio furniture
- Umbrellas

# NEW FROM HILLMAN DECK-TIEDOWN™

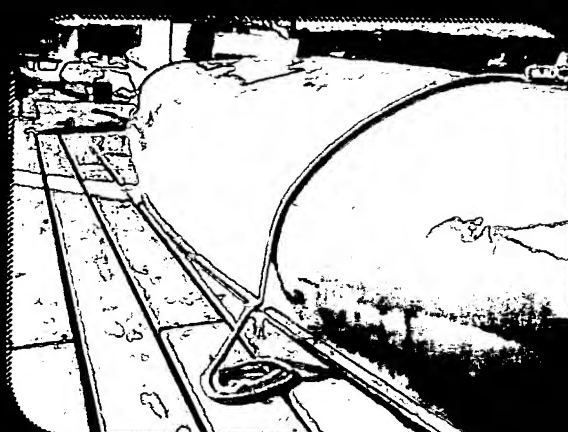
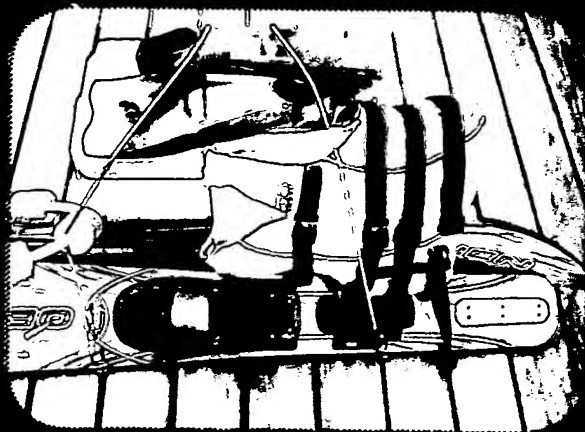
The Deck-Tiedown is a formed piece of stainless steel used in conjunction with bungee cords or ropes to secure grills, patio furniture, screen houses, tarps, pool covers and more to decks and docks.

## PATIO ACCESSORIES

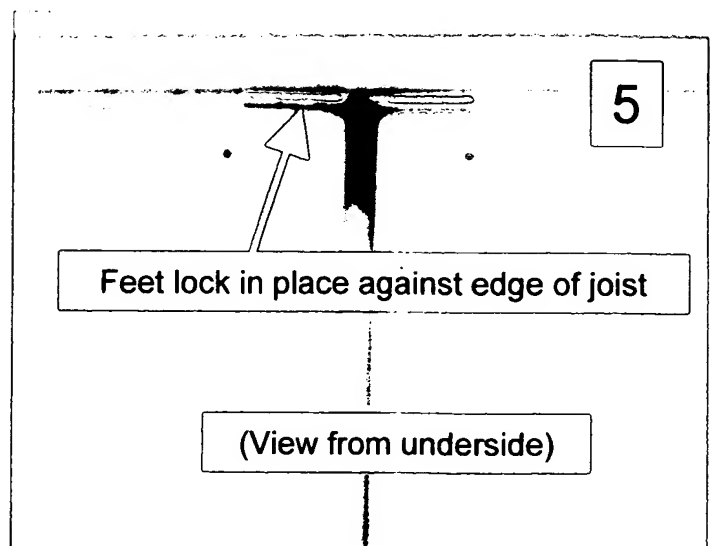
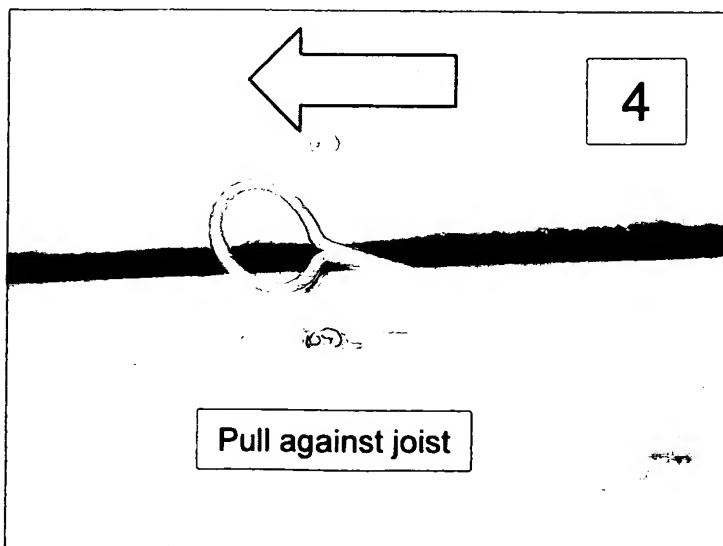
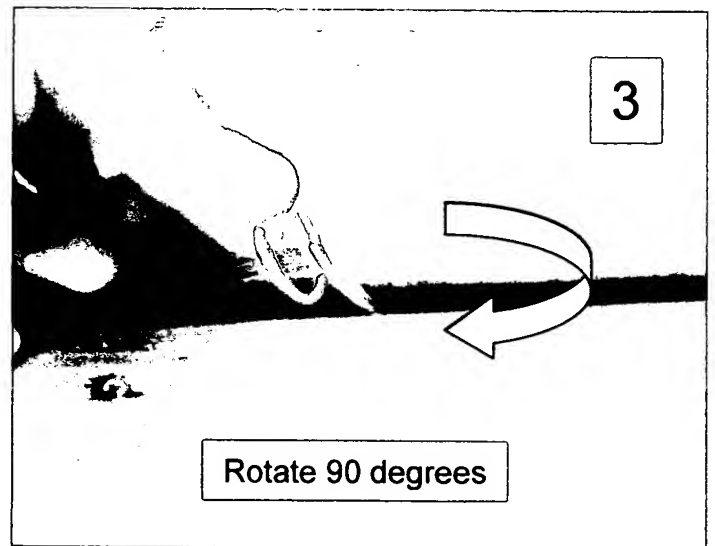
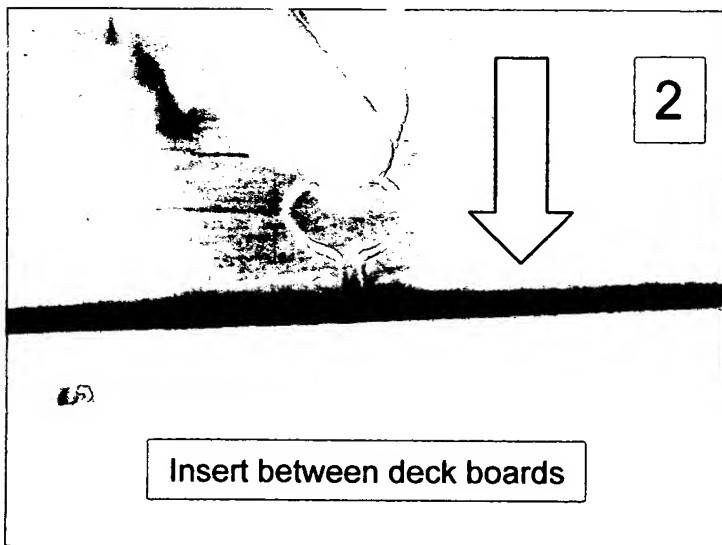
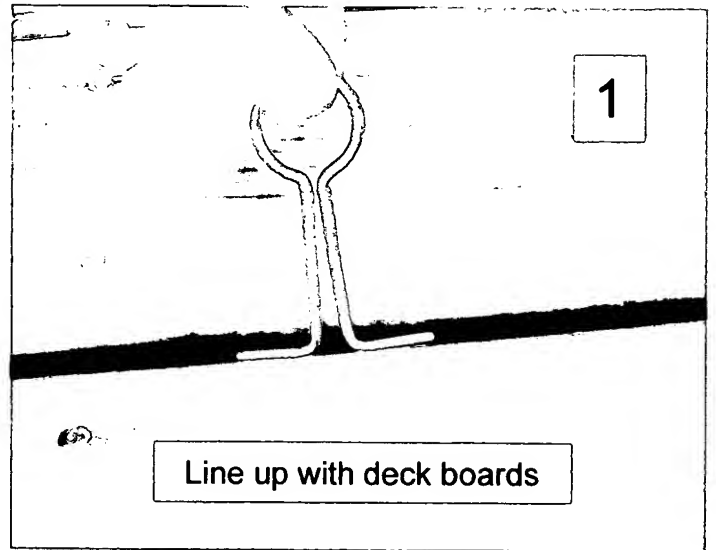
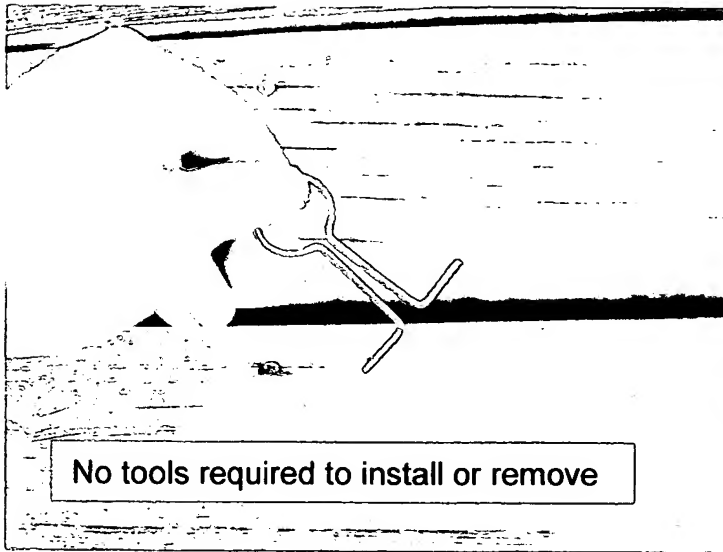


- Quick and easy to install
- Helps protect property from wind damage
- No tools or fasteners required to install
- Stainless steel – will not rust
- Removable and re-usable
- Safe to use with treated lumber (ACQ, CCA, CA)

## BOATING ACCESSORIES



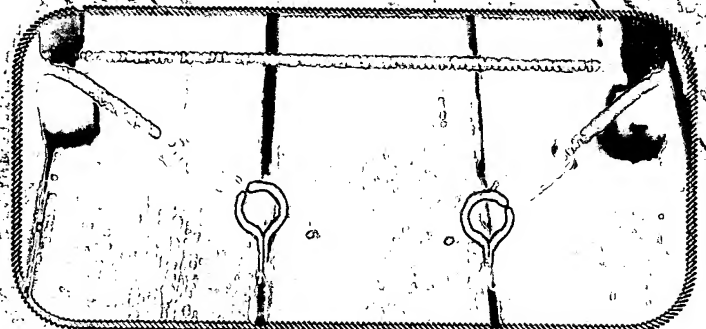
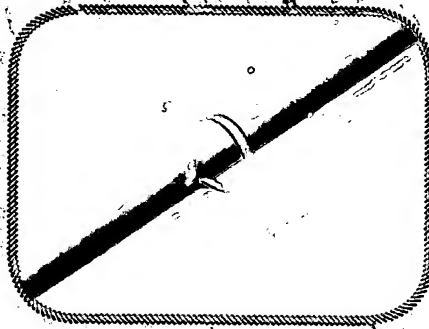
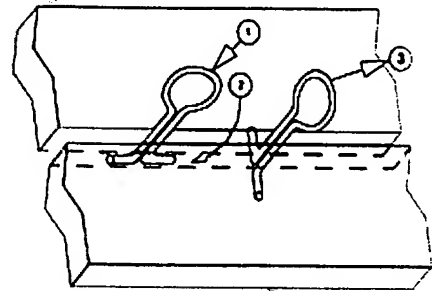
# INSTALLATION OF DECK-TIEDOWN





## Easy Installation

1. Slip between two deck boards
2. Twist 1/4 turn. (90 degrees)
3. Pull against joist or cross member. Attach bungee cords, ropes or straps to secure your property.



## Merchandising

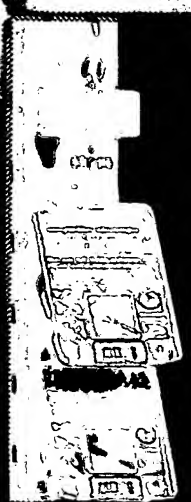
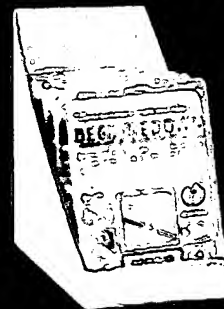
**Ideal for Clip Strip or Shelf Merchandising.**  
Each Deck-Tiedown 5 pack master easily converts to a shelf display merchandiser by removing the perforated top portion. Each master has a corrugated insert that allows the product to remain upright when placed on a shelf.

### Optimal Merchandising Locations:

- Grills and grill accessories
- Patio furniture and outdoor living
- Bungee cords, straps, rope and chain
- Pool accessories
- Check-out

### SHELF MERCHANDISING

### CLIP STRIP



Hillman Item #	Description	Piece per Pack	Master Quantity	Each UPC
42088	XL DECK TIEDOWN CLIPS	4	5	008236868319



**HILLMAN**

10590 Hamilton Ave. • Cincinnati, Oh 45231 • [www.hillmangroup.com](http://www.hillmangroup.com) • Phone: 1-800-800-4900

Deck-Tiedown Product, in Hillman Packaging, on the shelf at Lowe's in Melbourne, Florida – Fall 2007

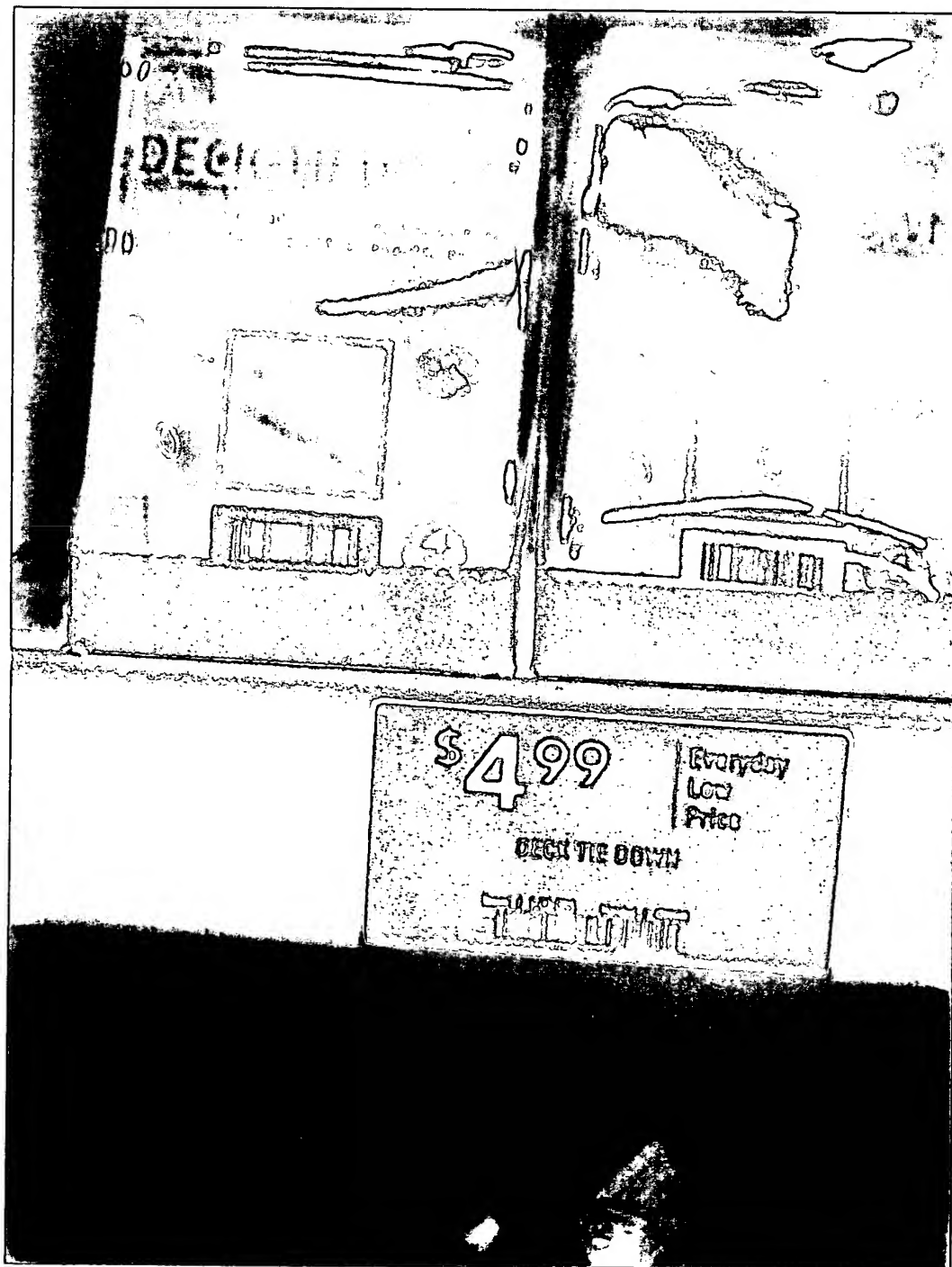
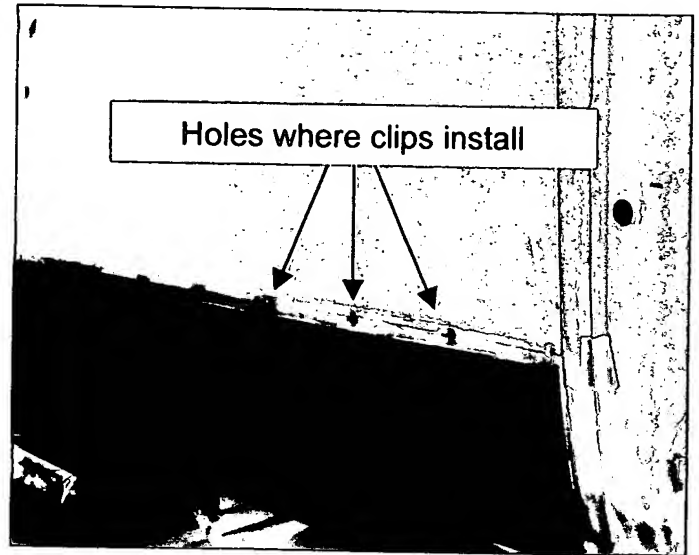
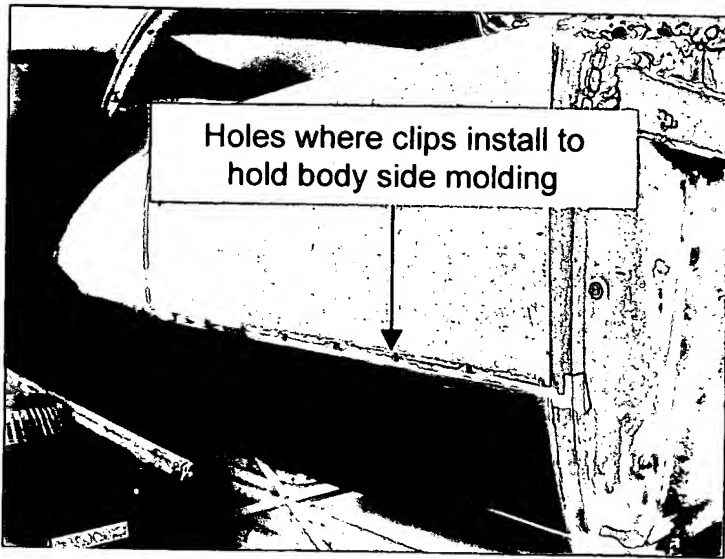


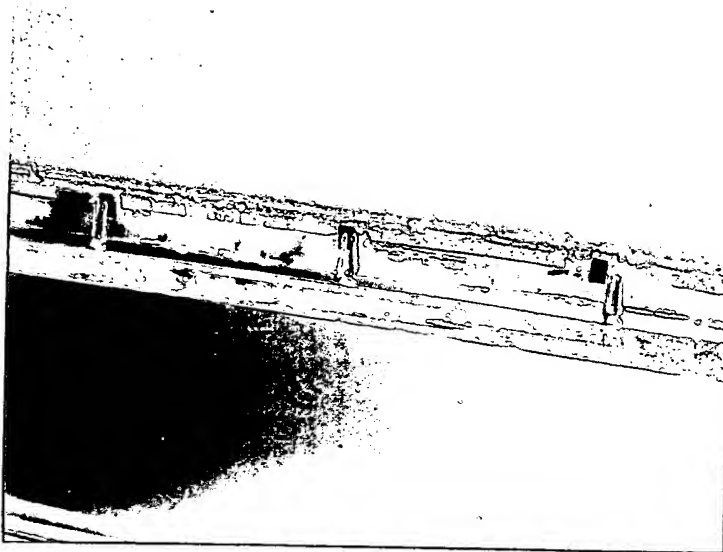
Exhibit B

## TYPICAL APPLICATION OF PLACE'S CLIP:

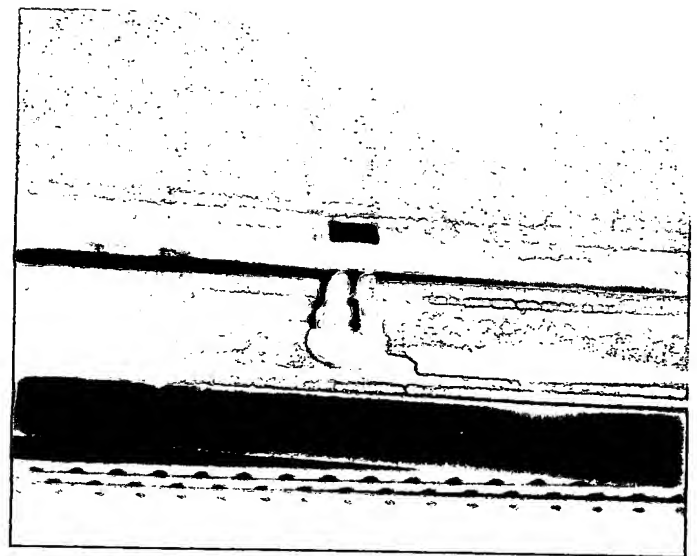
### A COMMON VARIATION OF PLACE'S DESIGN USED FOR 1956 OLDSMOBILE BODY SIDE MOLDING



Side door of 1956 Oldsmobile showing series of holes to which clips in body side molding attach.



Close-up showing three clips in the molding lined up with holes in sheet metal door skin.



Close-up of single clip installed in molding.

The automotive trim clip described by Place is intended for securing automotive trim moldings and rubber seals to sheet metal automotive bodies. They all work in the same manner: The clip (Figures 1 and 2) is fastened to the molding (as shown in the photographs of the 1956 Oldsmobile on the previous page), and then the molding is pressed against the auto body sheet metal. The clip sticks through a hole in the sheet metal, and the "head," or closed end, *must deform* to push through the hole. The closed end then springs back, securing the molding to the sheet metal panel. The "feet" of the clip are engaged in the rolled over edges of the trim molding, as shown in Figure 3. If the molding is to be removed, it must be pried off the body, usually with a tool as shown in Figure 4. Because of the reverse lead angles on the head of the clip, the head will again deform so it can pull through the opening in the sheet metal, and then it springs back to its original shape.

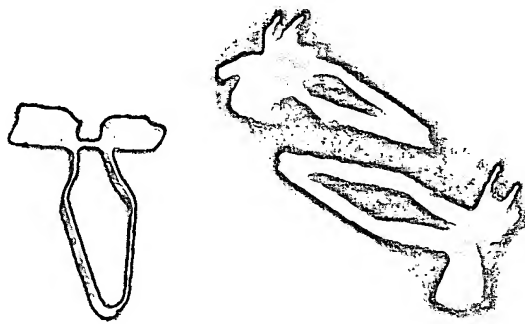


Figure 1: Typical examples of closed head automotive trim clips, as described by Place.

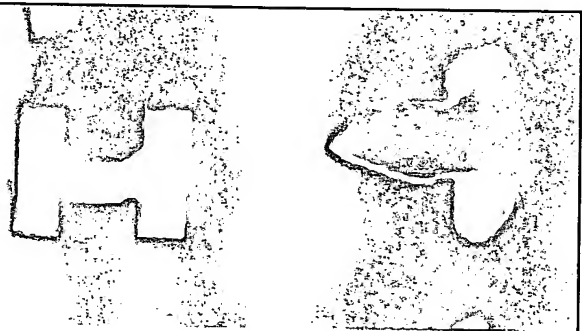


Figure 2: Typical closed head clip, as described by Place, showing feet much wider than body, to secure clip in trim molding.

Sides of clip (head) must bend inward to push through hole, and then spring back.

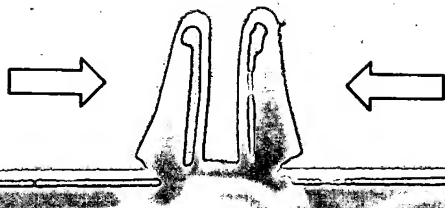


Figure 3: Typical automotive trim clip installed in a body side molding. This particular example is a door molding for a 1956 Oldsmobile, and uses an open head version. "Feet" of clip are secured under rolled lip of molding.

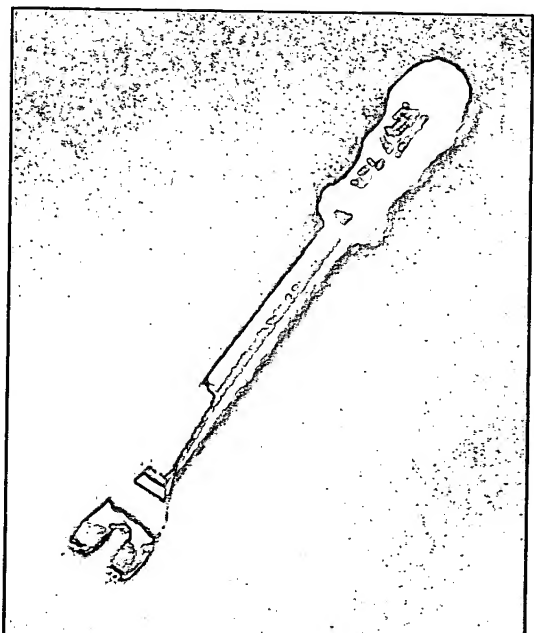
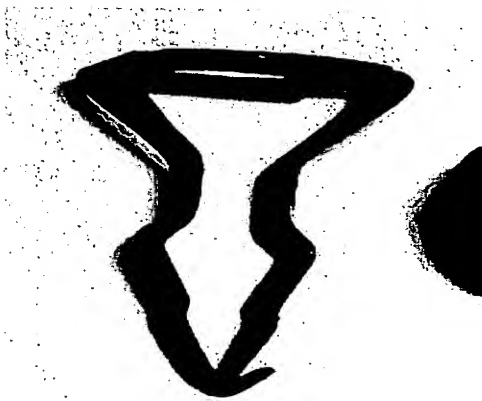
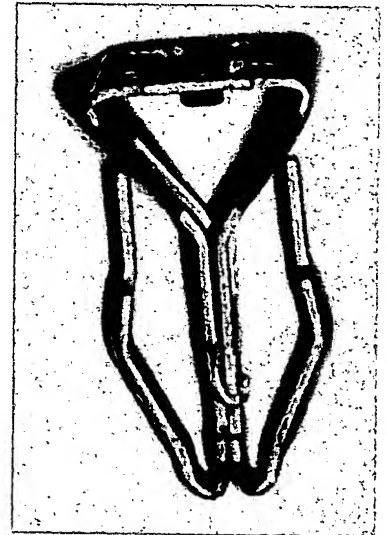


Figure 4: Typical tool required for removal of moldings secured with deformable trim clips.

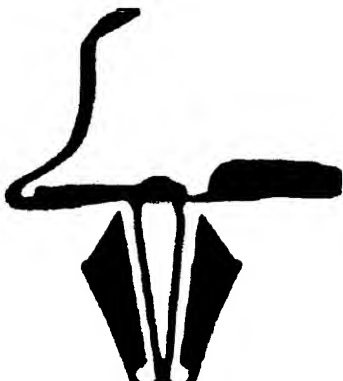
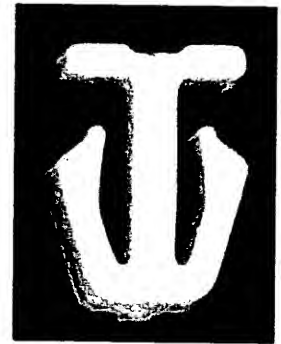
Variations of automotive trim clips, showing how Place's original invention has evolved to work better. Pictures show closed head designs, open head designs, and plastic. All work the same way: The head must be deformed to pass through a hole in the sheet metal body, and then it springs back to hold against the back side of the sheet metal panel. The feet or flat end are slid into a molding under the rolled over edges. Some clips have extended wings to help hold the clip in place in the molding. As a general rule, the base or feet, is wider than the rest of the clip so it will hold in the molding.



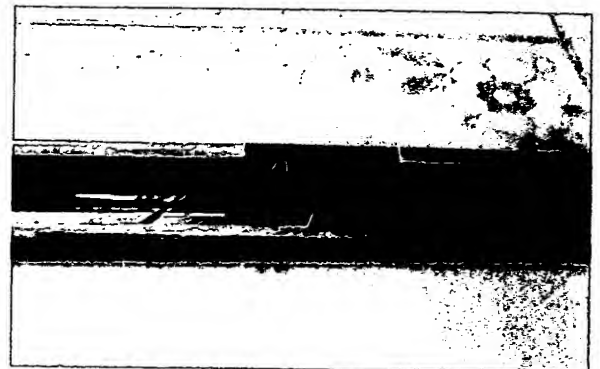
These photos show single and multi-head closed designs. The base of the clip on the left will deform to install in a molding. The clip on the right must be slid in through the end or through a slot in the molding. The closed heads deform when being pressed through the auto body panel.



Variations, including plastic, that must deform during installation. Even the plastic clip on the right shows the reverse lead angle (angled back side of clip) that allows for removal. When pried off, the reverse lead angle will cause the clip to deform to pass back through the hole.



Open head clip of the style used in the 1956 Oldsmobile example. Picture on right shows clip installed in molding. Note wing to hold clip in place.



**Appendix D: Hillman Email and Hillman Product Sell Sheet**

Exhibit C



April 26, 2005

Bob Bishop  
Bishop Innovations  
14 Milbery Lane  
Pembroke, MA 02359

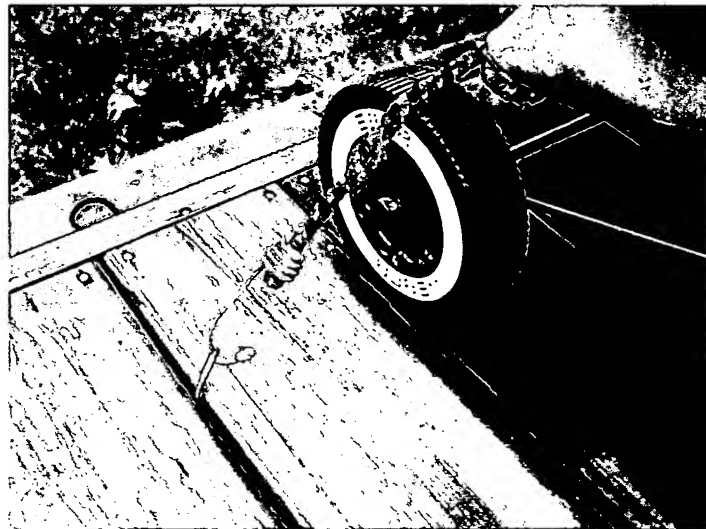
Dear Mr. Bishop,

SUBJECT: DECK-TIEDOWNS

I live in New England where, this weekend we had another windy storm. Typically during these storms my Weber grill moves from one end of the deck to the other. Sometimes it will tip over, spilling whatever charcoal is left from the last grilling onto the deck.

Last spring I had seen your product, deck-tiedowns, on television at the National Hardware Show. They looked like a very effective and simple idea. Needless to say that when I recently received a package of deck-tiedowns I was very eager to see how effectively they would secure my grill to the deck and prevent the tipping problem that I've had for years.

The storm that came through our area this past weekend was certainly a testimony to the effectiveness of your product. The wind had blown so hard that it lifted the cover on the grill however the grill didn't move at all as you can see in the photo on the left. The photo on the right shows how they are attached to the deck



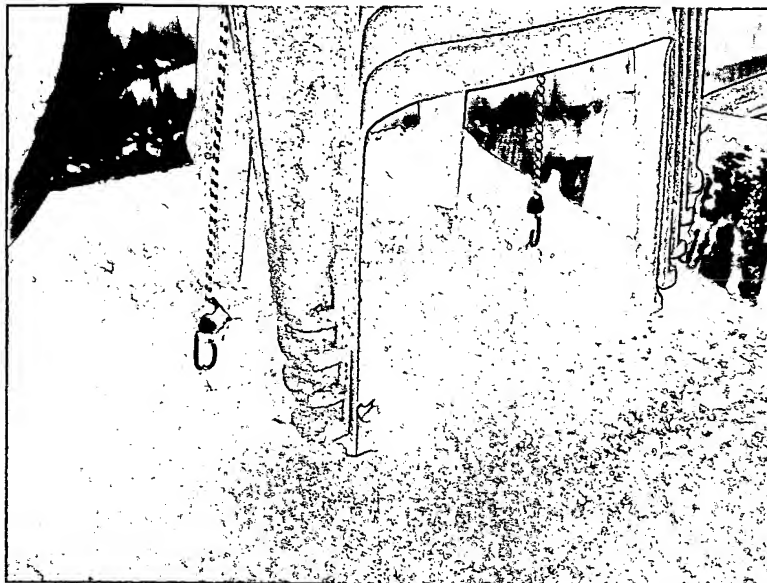
Thanks for creating something truly innovative and useful. I will be certain to pass my approval of your product to my friends and neighbors.

Sincerely,

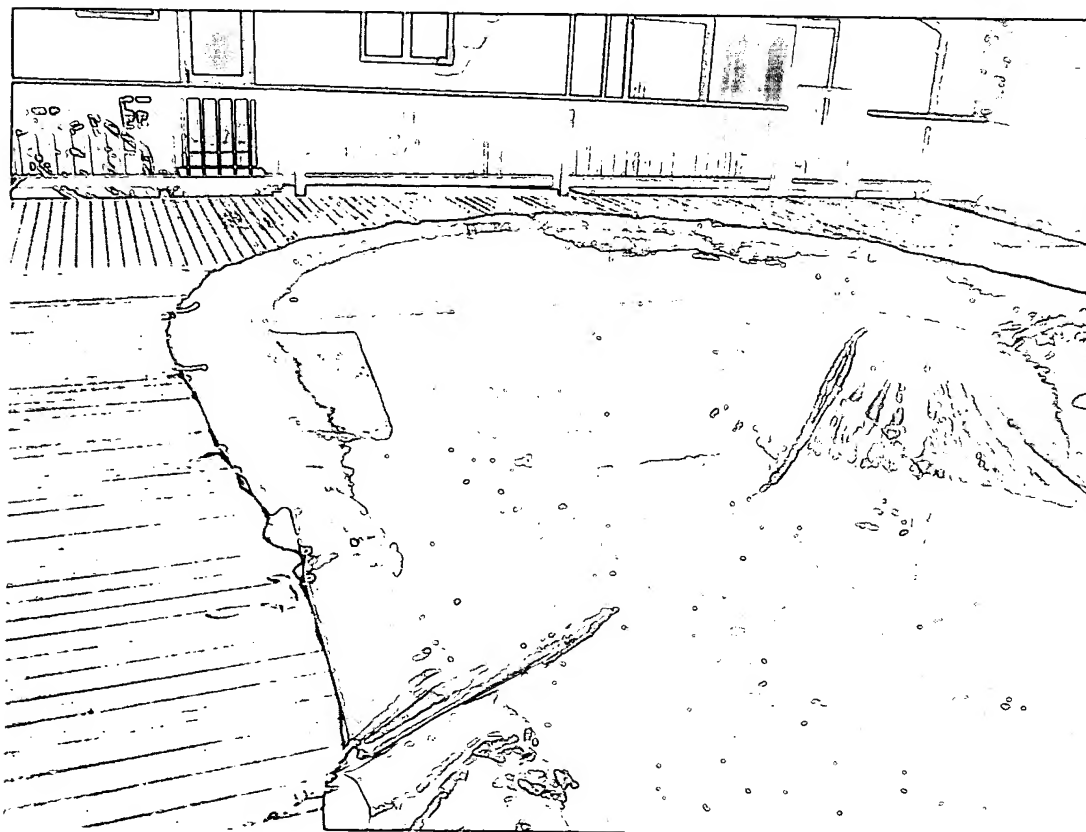
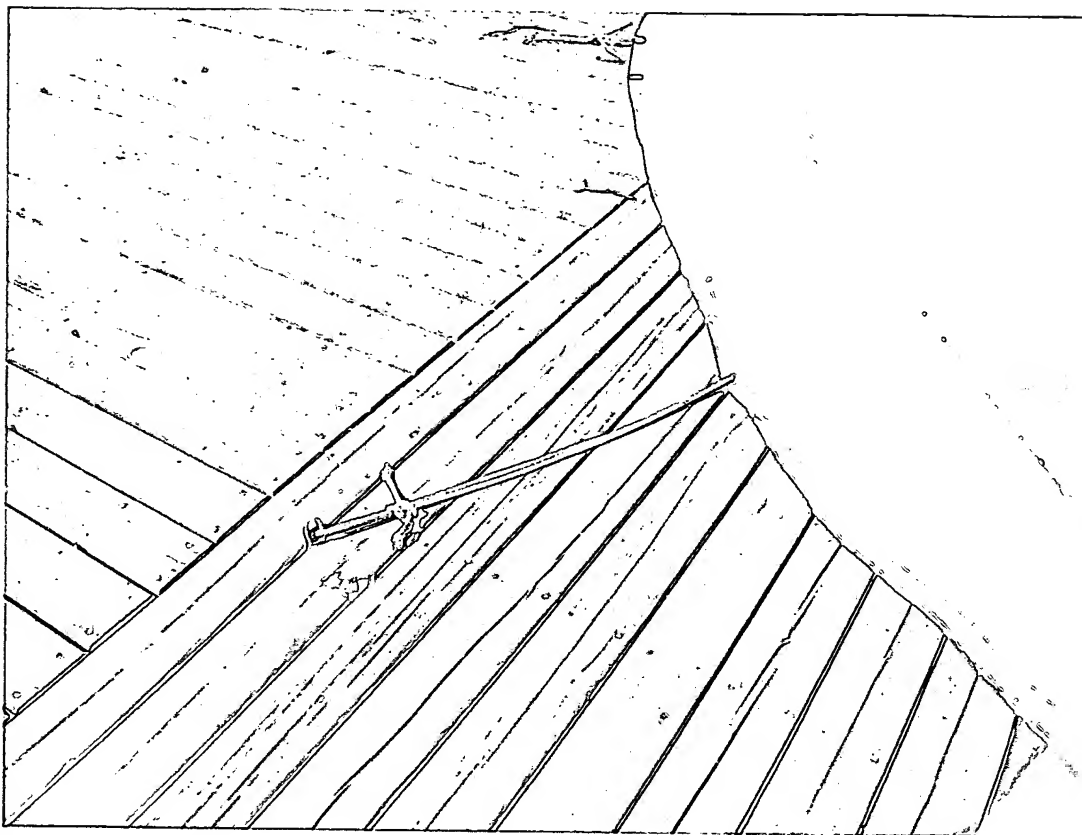
Richard Rattey

134 Sir Michael Circle  
West Kingston, RI 02892

Other Photos Sent in by Mr. Rattey Depicting Winter Storage of Outdoor Furniture



Other Photos Sent in by Mr. Kaplan



June 29, 2005

Bishop Innovations  
14 Millbury Lane  
Pembroke, MA 02359

Hello!

Just wanted to let you know that the deck tie  
downs we ordered last year worked great. We  
put them through the "acid test" on our 30'x16'  
deck this past winter in Bigman, MT. Nothing  
moved even in winds over 40 mph.

The tie downs were very easy to use & easy to  
take off this Spring. Thank you for a wonderful  
product that really works!!

Margaret Winship

MJ Winship  
P.O. Box 1069  
North Bend, WA 98045



Bishop Innovations  
14 Millbury Lane  
Pembroke, MA 02359

02359+1700



5-14-07

**Bishop Innovations**  
 14 Milbery Lane  
 Pembroke, MA 02359

Website: [www.decktiedown.com](http://www.decktiedown.com)

# DECK-TIEDOWN ORDER FORM

<b>Customer Information:</b>		<b>Ship to (If different):</b>	
Name: <u>Rich Volpe</u>		Name: _____	
Address: <u>5 Breton Ave</u>		Address: <u>USA</u> Richard Volpe 5 Breton Ave. Melville NY 11747-1301	
City: <u>Melville</u>		City: _____	
State: <u>NY</u> Zip: <u>11747</u>		State: _____ Zip: _____	

DECK-TIEDOWNS ordered by mail order will be packaged in the Polybag option shown on the website.  
 Order a package of 4 or a package of 12.

**PLEASE NOTE! Two sizes are available:**

DT1 is optimized for decks up to 1" thick, typically made of so-called "5/4" decking.

DT2 is designed for decks up to 1-1/2" thick, made of so-called "2 BY" decking (for example "2 by 6").

The DT2 is universal and will work on thinner decks.

**TO ORDER, PLEASE FILL IN THE FORM BELOW:**

QTY	PART NUMBER	DESCRIPTION	UNIT PRICE	TOTAL
	DT1-4P	DECK-TIEDOWN for decks with boards up to 1" thick. 4 pieces in polybag with instructions.	\$5.99	
2	DT1-12P	DECK-TIEDOWN for decks with boards up to 1" thick. 12 pieces in polybag with instructions.	\$14.99	2998
	DT2-4P	DECK-TIEDOWN for decks with boards up to 1-1/2" thick. 4 pieces in polybag with instructions.	\$5.99	
	DT2-12P	DECK-TIEDOWN for decks with boards up to 1-1/2" thick. 12 pieces in polybag with instructions.	\$14.99	

**SHIPPING AND HANDLING:**

Add \$2.50 for one 4 piece package  
 Add \$3.50 for two 4 piece packages  
 Add \$4.50 for one 12 piece package  
 Add \$5.50 for two 12 piece packages  
 For larger quantities, add \$1.00 per unit to above costs.

SUBTOTAL		2998
Massachusetts residents add 5% SALES TAX		
SHIPPING & HANDLING		550
TOTAL ENCLOSED		3548

**SEND COMPLETED FORM, ALONG WITH CHECK OR MONEY ORDER MADE OUT TO "BISHOP INNOVATIONS" TO THE ADDRESS AT THE TOP OF THIS FORM.**

My daughter saw my tie downs and just had to have them they work great!!

**From:** McFelson@aol.com  
**Date:** Mon, 26 Jul 2004 06:52:06 EDT  
**Subject:** Re: (no subject)  
**To:** bob@decktiedown.com

Bob,

I first learned about your product from the HGTV website. Then last night I saw it demonstrated on HGTV. Congratulations on coming up with a great product. I am going to use it to keep the cover on my patio table and chairs. Last summer I used milk bottles filled with water. Now I can tie the tabs from the cover to your device, and insert it between the deck planks. Then remove the tiedowns, leaving the cover attached when we want to use the table. Thank you for making the job so much easier.

Susan

**From:** "Donna" <ACAR@cdepot.net>  
**To:** bob@decktiedown.com  
**Subject:** Wish to order tiedowns  
**Date:** Tue, 2 Nov 2004 11:04:20 -0800

Hi Bob,

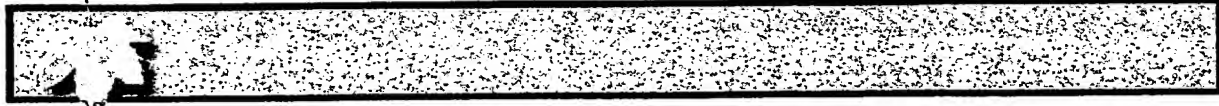
I heard via a neighbor about your tiedowns. These will work perfectly for us. I would like to order a dozen of the deck-tiedowns as soon as possible.

Please let me know how to go about this. My email is listed below.

Thanks  
Donna Amerine  
jdamerine@yahoo.com

wk # 209-223-3874  
hm # 209-223-2557

**From:** "Jan" <Jan\_Russert@hotmail.com>  
**To:** bob@decktiedown.com  
**Subject:** deck tie downs  
**Date:** Tue, 26 Oct 2004 10:51:28 -0500



Hi Bob,

I saw your product on HGTV. Thrilled to be able to order a set for high winds take everything off my deck and it is about time to decorate for the holidays.

It would be great if these hooks did not need to be against a cross brace. As a suggestion, maybe the "feet" of the hook could be bent again at a 90 degree angle and sharpened to a point so that the hook "grips" into the wood anywhere, not just at a cross beam under the deck.  
Just a suggestion...

I will be ordering a set in the mail with a check.



01 **From:** "Tim & Kim Harris" <tharris3@stny.rr.com>  
To: bob@decktiedown.com  
Subject: Local Retailers?  
Date: Wed, 6 Oct 2004 10:55:01 -0400

Hi!

I've had your product on my mind since seeing it on HGTV, and was wondering if you have any retailers in my area that carry these. We live in Horseheads, NY (zip 14845). My husband was recently deployed and I now have the task of tarping all our patio furniture. I thought these would be great to secure the tarps to the deck for winter. What a brilliant idea you came up with!

Thanks!

Kim Harris  
87 Belaire Drive  
Horseheads, NY 14845  
e-mail: harris2169@stny.rr.com

**Date:** Sun, 01 Aug 2004 18:18:35 -0400  
**From:** "Yee Tully" <ytully@optonline.net>  
**Subject:** Where Can I Buy the Deck TieDown Product  
**To:** bob@decktiedown.com

Dear Bob,

I just saw the 2004 Hardware Show on HGTV and I loved your product. Can you tell you which retailers carry this wonderful item. Do you need to know where I live? If so, my zip code is 10990 which is in Orange County in New York State.

I can't wait to tell all my neighbors about you simple, but clever product.

Thank you.

Yours truly,

Mrs. Yee Tully  
ytully@optonline.net



Print - Close Window

**To:** bob@decktiedown.com  
**Subject:** You're a genius!  
**From:** "Amy German" <germana@unk.edu>  
**Date:** Fri, 23 Jul 2004 09:56:31 -0500

Sometimes the most obvious solutions take so long for some brilliant person to come up with, apparently!  
So...where can the average consumer purchase these little gems? I live in the middle of super-windy Nebraska and my deck furniture ends up in the creek more nights than not...

Thanks for any information you can send me about where I can buy the Deck-tiedowns.

Thanks!

Amy German  
9700 175th Road  
Amherst NE 68812  
308.826.2037

**Date:** Wed, 13 Oct 2004 00:06:30 +0000  
**From:** "daveb522@frontiernet.net" <daveb522@frontiernet.net>  
**To:** bob@decktiedown.com  
**Subject:** Retail locations

Bob,

I saw your product on the national hardware show on HGTV. I am have recently been wondering if there this type of product on the market. I am wanting to use them to tie down my pool cover. I would like to know what retail stores handle them if any at this time? I will let you know how they work for this use when I purchase them. If there is not a retailer that I can purchase them from I will place my order.

Thank You,  
Dave Brown  
Arthurdale WV

**From:** "randee" <fontanazza2@comcast.net>

**To:** bob@decktiedown.com

**Subject:** deck tie downs

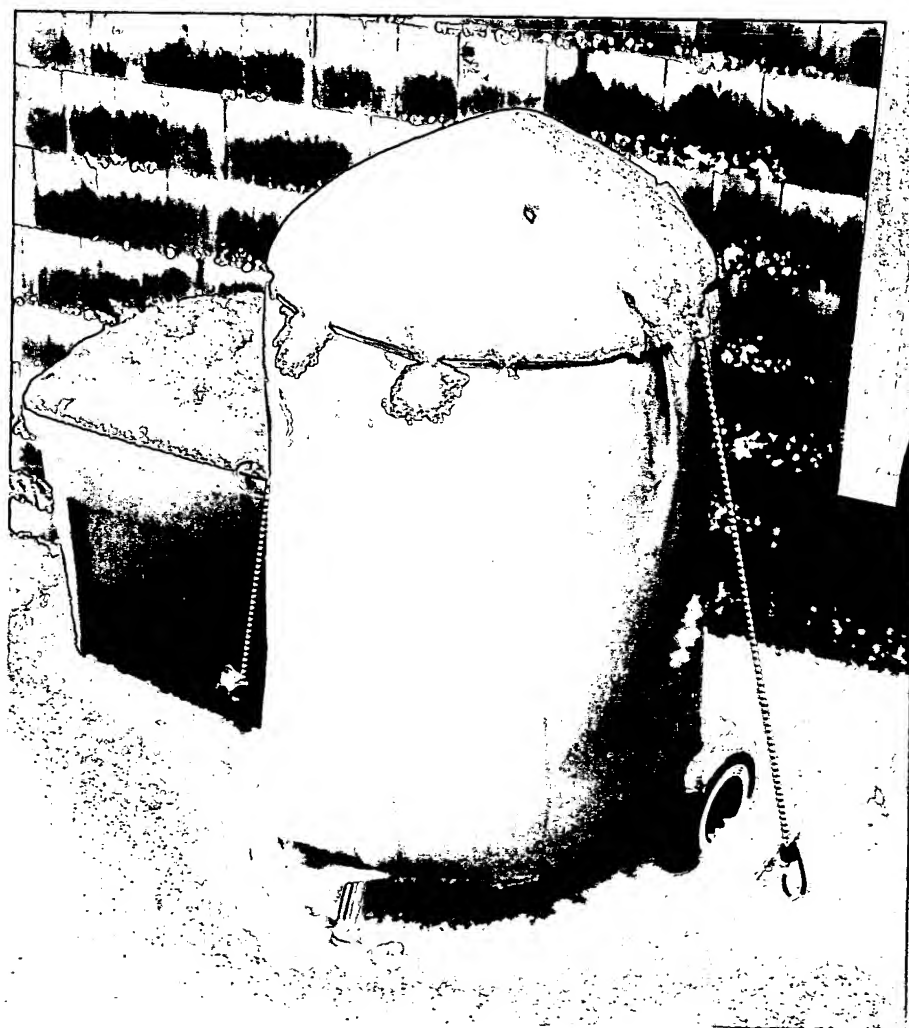
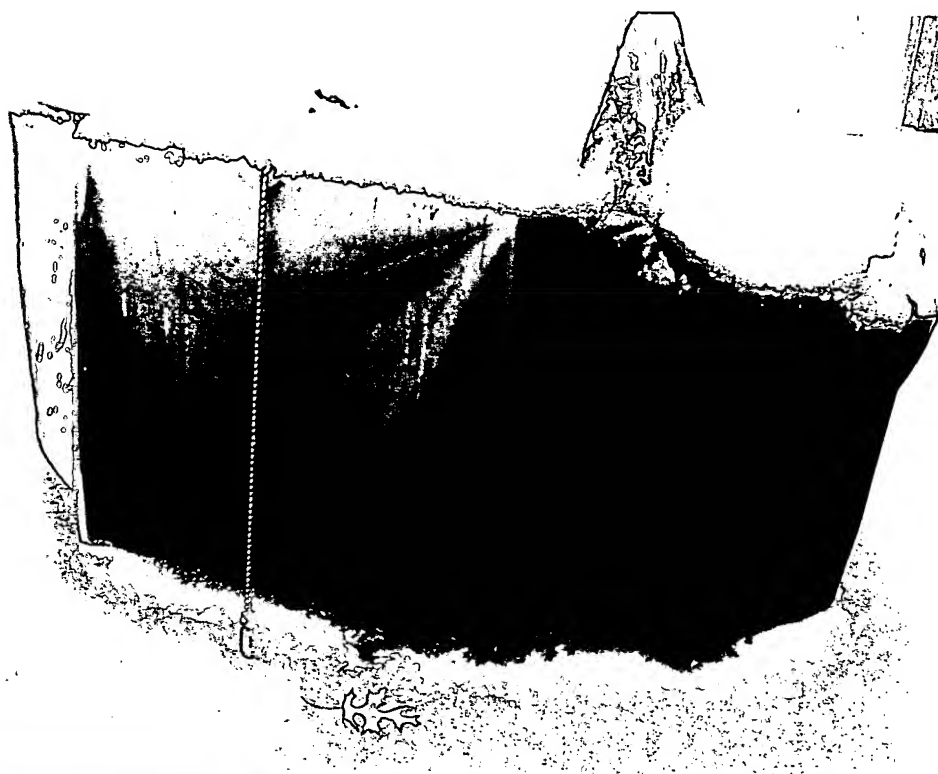
**Date:** Fri, 23 Jul 2004 11:41:53 -0400

Great idea! We live in a newer development. Without many mature trees to help cut down the wind it becomes like a tornado zone. I have witnessed our trampoline and grill cascade along the lawn and deck, respectively. Where can I purchase your product?

Thanking you in advance,  
Randee

**From:** Bpeggy9@aol.com  
**Date:** Mon, 26 Jul 2004 20:50:29 EDT  
**Subject:** (no subject)  
**To:** bob@decktiedown.com

bob, i saw the deckties on tv, sounds like a great idea to tie our pool cover to the deck how much are they? please e mail me with a price list and i can buy them in indiana(greenwood area) thank you peggy.



Date: Sun, 24 Apr 2005 09:05:16 -0400

From: "Ken Kaplan" <email address removed >

Subject: Deck Tie-down for pool cover

To: bob@decktiedown.com

Bob:

I purchased deck tie-downs last year, to hold down my pool cover to our deck.

I have had the pool for more than 10 years. This is the first year, that the cover has been held tight to the deck. No leaves got underneath the cover. There were some strong wind storms here and the cover never lifted.

Thank you, and I'll be using the clips from now on.

sincerely,  
Ken Kaplan  
Sayville, NY

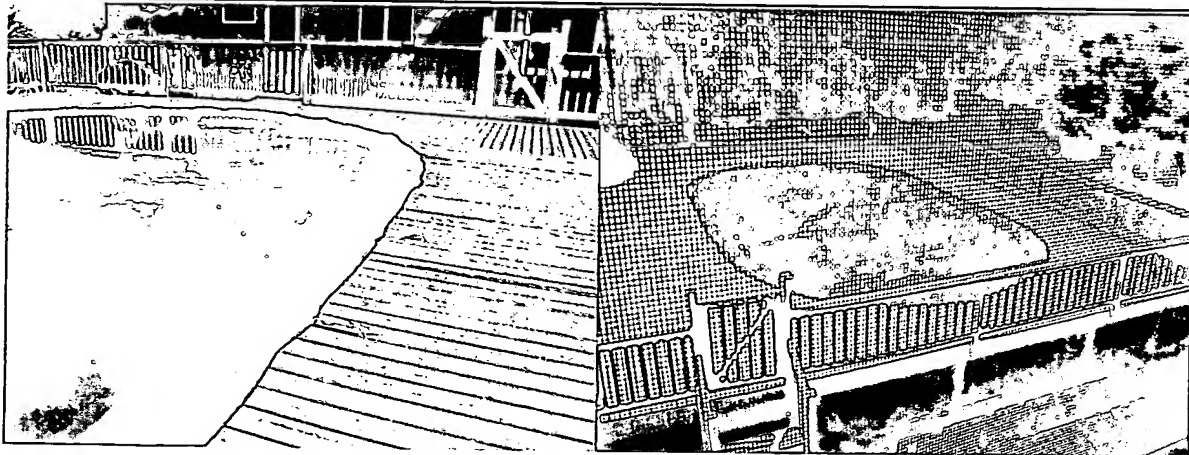




Exhibit D